

Message Text

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ACTION L-02

INFO OCT-01 EUR-12 EA-06 IO-10 ISO-00 CIAE-00 DODE-00

PM-03 H-01 INR-07 NSAE-00 NSC-05 PA-01 RSC-01 PRS-01

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R 230805Z JAN 75

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 7482

INFO AMEMBASSY JAKARTA

AMEMBASSY KUALA LUMPUR

AMEMBASSY LONDON

AMEMBASSY SINGAPORE

US MISSION USUN NEW YORK 1880

C O N F I D E N T I A L TOKYO 0927

E.O. 11652: GDS

TAGS: PLOS EWWT IMCO

SUBJ: POSSIBLE ACTION REGARDING GROUNDING OF JAPANESE TANKER

REF: A. STATE 011235 B. TOKYO 0706

SUMMARY: GOJ INTERESTED IN PROPOSAL ON MALACCA STRAITS
UNDER IMCO AUSPICES, BUT BEFORE DECIDING TO SUPPORT IT HAS
QUESTIONS ON URGENCY, TIMING, LOS IMPLICATIONS AND TECHNICALITIES
OF DRAFT. END SUMMARY.

1. FONOFF SEA REGIONAL POLICY OFFICE DIV DIR SAIKI
INFORMED EMBOFF JAN 22 THAT GOJ INTERESTED IN PROPOSAL
LIMITING TANKER TRAFFIC IN MALACCA STRAITS UNDER IMCO
AUSPICES. HOWEVER, BEFORE GOJ COULD MAKE DECISION WHETHER OR NOT
TO SUPPORT SUCH A MOVE, GOJ REQUIRED ANSWERS TO QUESTIONS
IN FOLLOWING QUESTIONNAIRE:

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"A. HAS THE U.S. GOVERNMENT OBTAINED ANY CONCRETE

INFORMATION OR INDICATIONS, OTHER THAN THOSE RELATED TO THE PROPOSED MEETING OF THE FOREIGN MINISTERS OF THE THREE COSTAL STATES, THAT THE COASTAL STATES MIGHT TAKE SOME URGENT ACTION TO RESTRICT THE PASSAGE THROUGH THE STRAIT OF MALACCA ON A UNILATERAL BASIS? (EMBASSY COMMENT: GOJ, AFTER CANVASSING ITS OWN POSTS IN AREA, FEELS POSSIBILITY SLIGHT.)

B. WE UNDERSTAND THAT THE BASIS IDEA OF THE U.S. PROPOSAL IS TO DEAL WITH THE SPECIFIC PROBLEM OF DRAFT LIMITATION IN MALACCA STRAIT SEPARATELY FROM THE GENERAL APPROACH IN THE LAW OF THE SEA CONFERENCE (I.E. SOLUTION ON THE LEVEL OF INTERNATIONAL LAW) AND TO AIM AT A DE FACTO SETTLEMENT OF THIS SPECIFIC PROBLEM IN THE FORM OF IMCO RESOLUTION. IS THIS UNDERSTANDING CORRECT? IF THIS IS THE IDEA BEHIND THE U.S. PROPOSAL, DOES THE U.S. GOVERNMENT CONSIDER THAT SUCH DE FACTO SETTLEMENT WILL IN NO WAY AFFECT DISCUSSIONS ON A REGIME OF INTERNATIONAL STRAIT IN THE LAW OF THE SEA CONFERENCE?

C. IF THIS IS NOT THE CASE, IS THE U.S. GOVERNMENT PREPARED, THOUGH NOT WILLINGLY BUT AS A FINAL CONCESSION, TO ACCEPT, IN THE LAW OF THE SEA CONFERENCE, A REGIME OF INTERNATIONAL STRAIT UNDER WHICH THE COASTAL STATE HAS ITS OWN RIGHT TO TAKE MEASURES ON THE LIMITATIONS OF DRAFTS AT THE RECOMMENDATION OF BUT WITHOUT THE EXPRESS APPROVAL OF THE APPROPRIATE INTERNATIONAL BODY? IS THE U.S. GOVERNMENT PREPARED, IF IT BECOMES NECESSARY AS A RESULT OF THIS PROPOSAL, TO MODIFY ITS TRADITIONAL POSITION IN THE LAW OF THE SEA CONFERENCE THAT THERE SHOULD BE NO DISTINCTIVE TREATMENT BETWEEN WARSHIPS AND MERCHANTSHIPS.

D. DOES THE WORDING "AS AN URGENT INTERIM MEASURE" IN THE BEGINNING OF PARAGRAPH 1 OF U.S. DRAFT STATEMENT MEAN THAT ALL THE MEASURES TO BE TAKEN IN IMCO PURSUANT TO THIS STATEMENT INCLUDING THOSE FORESEEN IN PARAGRAPH 2 AND 3 ARE OF INTERIM NATURE? IF SO, DOES THE U.S. GOVERNMENT CONSIDER THAT THE FINAL MEASURE WHICH CORRESPONDS TO THIS INTERIM MEASURE SHOULD BE WORKED OUT IN CONNECTION WITH A REGIME OF INTERNATIONAL STRAIT (I.E. ON THE LEVEL OF INTERNATIONAL LAW)?

E. WHEN AND TO WHICH FORUM OF IMCO, IN CONCRETE TERMS, DOES THE U.S. GOVERNMENT INTEND THAT THIS
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PROPOSAL BE SUBMITTED?

-- JUDGING FROM THE CURRENT PROGRAM OF IMCO, THE EARLIEST POSSIBILITY TO HANDLE THIS DRAFT STATEMENT IN AN APPROPRIATE FORUM OF IMCO SEEMS TO BE THE MEETING OF THE MARITIME SAFETY COMMITTEE SCHEDULED FOR THE END OF MARCH 1975. IS THE U.S. GOVERNMENT EXAMINING ALSO OTHER POSSIBILITIES, FOR EXAMPLE TO CIRCULATE THE PROPOSAL THROUGH THE SECRETARIAT OF IMCO TO THE COUNTRIES CONCERNED

EVEN BEFORE THE ABOVE REFERRED MEETING OF THE MARITIME SAFETY COMMITTEE?

-- IS JAPAN EXPECTED TO PLAY A PARTICULAR ROLE IN PRESENTING THE PROPOSAL? (EMBASSY COMMENT: GOJ NOT ANXIOUS TO PLAY ROLE.)

F. JAPAN PREFERS TO HANDLE THIS ISSUE OF DRAFT LIMITATION IN MALACCA STRAIT SEPARATELY FROM THE TRAFFIC SEPARATION SCHEME WHICH WILL BE SUBMITTED TO IMCO BY THE COASTAL STATE IN NEAR FUTURE. WHAT IS THE POSITION OF THE U.S. GOVERNMENT IN THIS RESPECT?

G. AS "ALTERNATIVE ROUTES" REFERRED TO IN PARAGRAPH 1 WE HAVE IN THE FIRST PLACE THE ROUTES THROUGH LOMBOK AND MAKASSAR STRAITS. IT MUST BE POINTED OUT, HOWEVER, THAT AT THE PRESENT STAGE NAVIGATION ROUTES THROUGH THESE STRAITS ARE STILL VERY POORLY EQUIPPED AND THAT IT SEEMS TO BE STILL DANGEROUS TO OPEN THIS ROUTE, FOR A HEAVY TRAFFIC OF TANKER, UNLESS CORRECT AND PRECISE CHARTS WILL BE DRAWN AS A RESULT OF SURVEY IN THE FUTURE. WHAT IS THE POSITION OF THE U.S. GOVERNMENT IN THIS RESPECT?

H. DOES "CHANNEL CHARACTERISTIC" REFERRED TO IN PARAGRAPH 1 OF THE U.S. DRAFT MEAN THE PHYSICAL CHARACTERISTIC OF MALACCA STRAIT AS A WHOLE OR IS IT RELATED TO SOME PARTICULAR CHANNEL MARKED ON CHARTS?

I. TO WHOM DOES THE IMCO, ACCORDING TO PARAGRAPH 2 OF THE U.S. DRAFT, RECOMMEND THE DEVELOPMENT OF DRAFT LIMITATION? TO THE THREE COASTAL STATES OR TO THE CONCERNED STATES INCLUDING THOSE USING THE STRAIT?"
HODGSON

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